



HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4272 of 2007

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PETITIONER

Gamenlal Mandavi, S/o.- Shri Jagduram Mandavi, Aged about 45 years, Rural Horticultural Development Officer, R/o.- Village Devarsur, Post Kaourkasa, Tehsil Ambagarh Chowki, Distt.- Rajnandgaon (C.G.)

Versus

RESPONDENTS

- 1 State of Chhattisgarh, Through the Secretary, Agricultural Department, D.K.S. Bhawan, Mantralaya Raipur (C.G.)
- 2 Director, Agricultural/Horticultural Development, Kamhardih, VIP Estate A-7, Raipur (C.G.)
- 3 Assistant Director, Horticulture Department, Rajnandgaon (C.G.)
- 4 Shri Vijay Nikose, S/o.- not known, Rural Horticulture Development Officer, Jagdalpur, District Jagdalpur (C.G.)

Appearance:

Shri Anup Mazumdar, counsel for the petitioner.

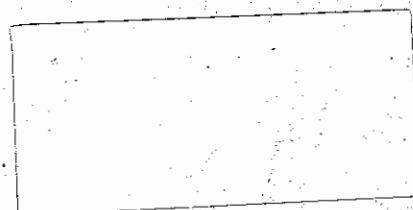
Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(24.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner submits that earlier, the petitioner was transferred by an order dated 27.12.2005. He has challenged the validity of the aforesaid order in W.P. No. 238/2006, which came up for hearing on 17.1.2006. On the said date, the petition was finally disposed of with a direction to the petitioner to make a representation to the concerned authority against the said order and it was also directed that if



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such a representation is filed, the competent authority shall decide the same on its own merits in accordance with law as early as possible preferably within a period of two months from the date of receipt of representation. He submits that the Court further directed in the last para of the order that if the petitioner has not been relieved, he be allowed to continue till the next date of hearing. His submission is that thereafter, a representation was filed and the petitioner was not relieved but ultimately he has been relieved by the impugned order dated 12.9.2006 (Annexure-P/4), which could not have been done in view of the earlier order passed by this Court.

I have gone through the contents of the earlier order dated 17.1.2006. Though it has been mentioned in the order that if the petitioner has not been relieved on the said date, he be allowed to continue till the next date of hearing but the petition itself was not kept pending and was finally disposed of on the said date, therefore, the question of not relieving till next date of hearing of writ petition does not arise and the order so passed by the High Court in the said petition will not remain as an impediment against the relieving of the petitioner as per the earlier order because no such direction was finally issued in favour of the petitioner and if after all this, the petitioner has been relieved in consequence of earlier order, there appears to be no illegality committed by the authority concerned.

I do not find any reason to interfere with the relieving order dated 27.12.2005.

The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge